

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In Re: : **Chapter 13**
Derill C. Ferguson, : **Case No. 23-60077**
Linda K. Ferguson, : **Judge John Gustafson**
Debtor(s).

MOTION TO DISMISS CASE

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, and hereby moves this Court for an Order dismissing this case pursuant to 11 U.S.C. §1307(c)(6).

1. Debtor(s) filed a petition for relief under Chapter 13 on April 13, 2023.
2. The case is delinquent in the total amount of \$2,090.00, as of May 2, 2024.
3. The last payment was received on March 29, 2024.
4. The delinquency is a material default of the confirmed plan as defined by 11 U.S.C. §1307(c)(6).

Therefore, Trustee requests that the Court enter an order dismissing this case pursuant to 11 U.S.C. §1307(c)(6), and order such other relief as the Court may deem just and appropriate.

Respectfully submitted,

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
Email: Info@Chapter13Canton.com

NOTICE OF MOTION TO DISMISS CASE

Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, has filed papers with the Court to have this bankruptcy case dismissed.

Your rights may be affected. You should read these papers carefully to discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to dismiss this bankruptcy case, or if you want the Court to consider your views on the Motion to Dismiss this case, then on or before May 23, 2024, you or your attorney must file with the Court an Objection to the Motion to Dismiss at:

Clerk of Court
United States Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave S.W.
Canton, OH 44702

If you mail your Objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also send a copy to:

Dynele L. Schinker-Kuharich
Chapter 13 Trustee
200 Market Avenue North, Suite 30
Canton, Ohio 44702

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Date: May 2, 2024

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich (0069389)
Chapter 13 Trustee
A. Michelle Jackson Limas (0074750)
Staff Counsel to the Chapter 13 Trustee
200 Market Avenue North, Ste. 30
Canton, OH 44702
Telephone: 330.455.2222
Email: Info@Chapter13Canton.com

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2024, a true and correct copy of the Motion to Dismiss and Notice thereof was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- David A. Mucklow , Counsel for Derill C. and Linda K. Ferguson, at davidamucklow@yahoo.com

and via regular U.S. mail, postage prepaid, upon:

Derill C. Ferguson, Debtor
6750 Pontius Street NE
Hartville, OH 44632

Linda K. Ferguson, Debtor
6750 Pontius Street NE
Hartville, OH 44632

/s/ Dynele L. Schinker-Kuharich
Dynele L. Schinker-Kuharich
Chapter 13 Trustee